

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

07 JAN -5 AM 10:06

CLERK-ALBUQUERQUE

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 05-1074 BB/CEG
CR 02-953 BB

JOSE ESTEBAN GUERRERO,

Defendant-Movant.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on October 3, 2006. *See Doc. 25*. The proposed findings notify the partes of their ability to file objections and that failure to do so waives appellate review. To date, the United States has not filed any objections. The Defendant has filed objections, but his objections only ask that I adopt the Magistrate Judge's Proposed Findings and Recommended Disposition. *See Doc. 30*.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 25*) are adopted;
- 2) within thirty days, the United States is required to: (i) respond to Defendant's motion to amend (*Doc. 22*), (ii) respond to Defendant's motion to subpoena state court records (*Doc. 23*), and (iii) address the merits of the claims raised in the original § 2255 motion (*Doc. 1*); and

- 3) Defendant's motion to strike the government's Response (*Doc. 19*) is denied as moot.


UNITED STATES DISTRICT JUDGE